IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 12795 of 2007(W)

PETITIONER:

A.MOHAMMED KUNHI HAJI, S/O.A AHAMMED HAJI, AGED 70 YEARS, P.W.D., CONTRACTOR, BENDICHAL THEKKIL P.O., KASARAGOD DISTRICT.

BY ADV. SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETTIL

RESPONDENTS:

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1. THE SECRETARY, BALUSSERY BLOCK PANCHAYATH,BALUSSERY KOZHIKODE DISTRICT.

2. PROJECT OFFICER, DISTRICT RURAL DEVELOPMENT AGENCY, KOZHIKODE.

3. THE CHIEF GENERAL MANAGER, NABARD,THIRUVANANTHAPURAM.

4. COMMISSIONER, RURAL DEVELOPMENT LMS COMPOUND, THIRUVANANTHAPURAM-695 003.

5. STATE OF KERALA, REPRESENTED BY THE SECRETARY, RURAL DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM.

ADDL. 6. THE SECRETARY TO GOVERNMENT, DEPARTMENT OF FINANCE, SECRETIARIAT, THIRUVANANTHAPURAM.

ADDL.6TH RESPONDENT IS IMPLEADED SUO MOTU AS PER ORDER DATED 7.11.2007 IN THE WRIT PETITION.

R1 BY ADV. SRI.K.D.BABU
R2 AND R4 TO R6 BY GOVT. PLEADER SRI.K.J.MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.12795 OF 2007

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DATED THIS THE 7TH NOVEMBER, 2007

J U D G M E N T

The grievance of the petitioner who was a contractor to the 1st respondent-Block Panchayat for the execution of certain road works is that though the works have been completed and final bill has been submitted way back in 2005 as per Ext.P7, neither payment of the bill amount nor release of the security amount is being effected.

2. Counter affidavits have been filed by respondents 1 and 2.

3. Heard both sides.

4. It is seen that the main reason for non-release of payment to the petitioner is that the additional 6th respondent has not sanctioned the final bill which is presently before him. The second prayer in the Writ Petition is for a direction for release of the security amount. It is submitted by counsel for the 1st respondent that it is appropriate that the security amount is released after the final bill is sanctioned by the additional 6th respondent.

5. Under these circumstances, I dispose of the Writ Petition issuing the following directions:-

The additional 6th respondent will scrutinise Ext.P7 final bill which is submitted to him by the 4th respondent and pass necessary orders at

the earliest and at any rate within one month of receiving copy of this judgment. Subject to such orders, the amounts due to the petitioner on account of the final bill and also on account of security will be released by the 1st respondent without further delay.

(PIUS C.KURIAKOSE, JUDGE)

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